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PATENT

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Appl. No.: 09/275,887 Confirmation No.: 1353
Applicant(s): Offutt et al.
Filed: March 25, 1999
Art Unit: 3626
Examiner: Robert W. Morgan
Title: METHODS AND APPARATUS FOR DETERMINING
NON-OBVIOUS SAVINGS IN THE PURCHASE OF GOODS

Docket No.: 043474/257035
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**REVISED APPEAL BRIEF TRANSMITTAL
(PATENT APPLICATION – 37 C.F.R. § 41.37)**

1. Transmitted herewith is the REVISED APPEAL BRIEF in this application, filed in response to the Notification of Non-Compliant Appeal Brief on May 25, 2005.
2. ☒ Any fee or refund may be charged to Deposit Account 16-0605.

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REVISED APPEAL BRIEF UNDER 37 CFR § 41.37

This Revised Appeal Brief is filed pursuant to the "Notice of Appeal to the Board of Patent Appeals and Interferences" filed December 16, 2004, and in response to the Notification of Non-Compliant Appeal Brief dated May 25, 2005. This Revised Brief supplements the Summary of Claimed Subject Matter section to identify representative structure corresponding to the means plus function elements recited in Claim 36 of the present application, including corresponding references to the specification by page and line number, and the drawings if appropriate.

1. ***Real Party in Interest.***

The real party in interest in this appeal is Travelocity.com LP, the assignee of the above-referenced patent application. Travelocity.com LP is currently a wholly-owned subsidiary of Sabre Inc.

2. ***Related Appeals and Interferences.***

There are no related appeals and/or interferences involving this application. An appeal of a continuation-in-part application of this application, U.S. Patent Application Serial No. 09/471,012, is currently pending, Applicants having filed their appeal brief on February 16, 2005.

3. ***Status of Claims.***

Claims 1, 2, 4-8, 10-13, 15-19, 21-24, 26-30 and 32-51 are pending, all of which stand rejected.

4. ***Status of Amendments.***

There are no unentered amendments in this application.

5. ***Summary of Claimed Subject Matter.***

Embodiments of the present invention relate to data processing systems, methods and computer-readable mediums for determining non-obvious savings in booking a travel itinerary. Generally, embodiments of the present invention search for non-obvious savings by performing non-obvious reconfigurations of itineraries, including alternative origin or destination locations. Additionally or alternatively, the embodiments of present invention check the prices of non-obvious suppliers of pre-packaged goods and services, such as travel consolidators/wholesalers, that may provide such savings. Further, embodiments of the present invention may request just-in-time "best offer" price quotes from suppliers, thereby creating a type of online, last-minute auction. Pat. App. page 7, lines 12-21.

The method of one embodiment includes receiving a buyer request, where the request includes information such as origin and destination addresses as well as proximity tolerances for the origin and destination addresses. *Id.* at page 14, lines 13-18. From the received buyer request, a search is conducted for airports within the proximity tolerances to generate alternative itineraries including an alternative origin or destination. In addition, a search can be conducted for pre-packaged opportunities that meet the buyer's request. The lowest price of all the

components of an itinerary can then be identified, after which the lowest prices are formatted as a price-to-beat message. Traders and suppliers can, if so desired, respond to the messages with prices equal to or less than the price included in the message. The travel options can then be reconfigured to consider all alternative airports, routings, prepackaged tours and just-in-time offerings. The buyer can then be presented with a report including the alternative itineraries, their components and prices (or values). *Id.* at page 14, line 21 – page 17, line 13.

Applicants further note that Claim 36 of the present application provides a computer system comprising a number of means-plus-function elements as permitted by 35 U.S.C. § 112, sixth paragraph. As explained on pages 9 and 10 of the present application, the computer system recited in Claim 36 may operate in a client-server system illustrated in FIG. 2, although portions of the system may be distributed among a number of machines. In this regard, as further explained with reference to FIG. 2, a client **220** and server **222** each include conventional components such as a processor **224, 234** coupled to memory **225, 235** and a mass storage device **227, 237**. Pat. App., page 9, line 21 – page 10, line 10. As indicated, embodiments of the invention may be implemented in software stored as executable instructions on a computer-readable medium (e.g., **225, 235** and/or **227, 237**) on the client and/or server. *Id.* Accordingly, to the extent Claim 36 of the present application recites means-plus-function elements, each of those elements may correspond to conventional computer components on the client or server, including hardware operating alone or under the direction of executable instructions on a computer-readable medium (e.g., **235, 237**, etc.).

6. *Grounds of Rejection to be Reviewed on Appeal.*

Currently, pending Claims 1, 2, 12, 13, 13, 23, 24, 35, 36, 43-45, 48 and 50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,862,357 to Ahlstrom et al. in view of U.S. Patent No. 5,331,546 to Webber et al., and further in view of U.S. Patent No. 4,879,648 to Cochran et al. Also, pending Claims 4-8, 15-19, 26-30, 32, 46, 47 and 51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Ahlstrom patent in view of the Webber patent, and further in view of U.S. Patent No. 5,948,040 to DeLorme et al.; and Claims 10, 21 and 49 stand rejected as being obvious in light of the Ahlstrom, DeLorme and Cochran

patents. The remaining pending claims, namely Claims 11, 22, 33, 34 and 37-42, stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Ahlstrom patent in view of the DeLorme patent, and further in view of U.S. Patent No. 5,897,620 to Walker et al.

7. *Argument.*

The primary reference, the Ahlstrom patent, discloses a computer reservation system that receives a proposed travel itinerary including a starting location, a final location and any desired intermediate stops. From the proposed itinerary, the system determines a number of city pairs, including a starting and ending point of one leg of a journey. As disclosed, an itinerary includes a city pair for the first leg of the trip, a city pair for the final leg of the trip, along with any city pairs for intermediate legs of the trip. Each city pair is then analyzed based upon information, such as flight schedule, fare and fare limitations information, stored in a remote data base. After being analyzed, then, flight/fare alternatives for the city pairs in the travel itinerary can be displayed.

The Webber patent discloses a trip planner system that determines itineraries between designated originating and destination cities. In an illustrated example, the system operates to process a trip request from any New York City airport (NYC) to Los Angeles International Airport (LAX). Col. 17, lines 40-56. After processing the trip request, the system of the Webber patent outputs a number of flights between either John F. Kennedy (JFK) airport or Newark, NJ (EWR) airport, both within NYC, and LAX. Col. 19, lines 36-44. The system operates by identifying airports that have direct flights from the originating airport to any intermediate airports that have direct flights to the destination airport, and places the identified flights in a "From List" and a "To List," respectively. The lists are then compared to determine whether there are any common airports. The flights associated with the common airports are then filtered based on criteria designated by a user to determine a list of cost-effective flights that the user may select to travel from the originating airport to the destination airport.

The Cochran patent discloses a system and method of variably displaying search terms. As disclosed, the method includes continuously displaying the names of categories on a video terminal screen. When the cursor is adjacent a category, one data set or search term is displayed,

that search term being one of a plurality of terms in a list associated with the particular category. The user can then display another term from the list by actuating a scrolling control key input. In an illustrated example, the Cochran patent describes a structured database of hotel and resort information records. As explained, the information records can be searched based upon the proximity of a hotel/resort to specific areas of interest such as a tourist attraction, business location or airport.

The DeLorme patent discloses a travel reservation information and planning system and method. According to the method, users engage in a planning process, whereby the users plan, revise or edit travel plans. The users can also preview alternate routes between a fixed travel origin and travel destination, select points of interest, and compare times and costs of transportation options such that the users can achieve a final travel plan. The DeLorme system allows a user to construct a highly selective travel route between the travel origin and travel destination, with user-selected waypoints of interest along the route. In this regard, the DeLorme system provides for changing the travel route including the transportation routes, waypoints, and objects or points of interest. Col. 7, lines 25-30.

Finally, the Walker patent discloses a method and apparatus for the sale of airline-specified flight tickets. The Walker patent discloses an unspecified-time airline ticket that represents a purchased seat on a flight to be subsequently selected for a traveler-specified itinerary. As disclosed, then, various systems and methods are provided for matching the unspecified-time ticket with a flight. In one disclosed embodiment, a traveler could submit a bid to an airline for an unspecified-time ticket, where the bid specifies an amount (e.g., \$375) the traveler is willing to pay for the ticket. Upon receipt of the bid, the airline can then decide whether to accept or reject the bid.

I. Claims 1, 2, 12, 13, 23, 24, 35, 36, 43-45, 48 and 50 are Patentably Distinct from Ahlstrom, Webber and Cochran

As indicated above, pending Claims 1, 2, 12, 13, 23, 24, 35, 36, 43-45, 48 and 50 stand rejected as being unpatentable over the Ahlstrom patent in view of the Webber patent, and further in view of the Cochran patent. In this regard, independent Claims 1, 12, 23, 36 and 43 of

the present application recite methods, computer-readable mediums and systems for providing information relating to savings associated with travel alternatives. And independent Claims 44 and 50 recite methods for providing travel alternatives. As recited in independent Claims 1, 12, 23, 36, 43, 44 and 50, a request reflecting a travel itinerary is received or provided, the request including an origination location, a destination location and proximity tolerances specifying a user's acceptable range for alternative itineraries. The travel itinerary is then analyzed to determine a set of alternative itineraries, where analyzing the travel itinerary includes identifying at least one alternative itinerary including an alternate originating location or destination that is within the proximity tolerances, and is different than the originating location or destination included in the request. Then, as recited in independent Claims 1, 12, 23, 36, 43 and 44, information (e.g., values) regarding the travel itinerary specified in the request and the alternative itineraries can be determined, with a report subsequently generated to include the information. As recited in Claim 50, a report can be provided such that the user can visually inspect a map including a graphical representation of the itinerary specified in the request and the alternative itineraries.

In contrast to the recited methods, computer-readable mediums and systems of independent Claims 1, 12, 23, 36, 43, 44 and 50, and as conceded by the Examiner, neither the Ahlstrom patent nor the Webber patent, individually or in combination, teach or suggest receiving or providing a request including an origination location, a destination location and proximity tolerances specifying a user's acceptable range for alternative itineraries, or identifying an alternative itinerary that includes an alternative origination or destination location within the proximity tolerances. Nonetheless, the Examiner alleges that the Cochran patent discloses this feature. Further, the Examiner alleges that it would have been obvious to one skilled in the art to combine the teachings of the Ahlstrom, Webber and Cochran patents to disclose the claimed invention of Claims 1, 2, 12, 13, 23, 24, 35, 36, 43-45, 48 and 50. Applicants respectfully submit, however, that the Cochran patent, like the Ahlstrom and Webber patents, does not teach or suggest providing a request including an origination location, a destination location and proximity tolerances specifying a user's acceptable range for alternative

itineraries, or identifying an alternative itinerary that includes an alternative origination or destination location within the proximity tolerances.

As explained above, the Cochran patent does disclose allowing a user to specify the proximity of a hotel/resort to areas of interest, any one or more of which it could be suggested constitute part of a travel itinerary (although expressly not admitted by the Applicant). In contrast to the claimed invention of independent Claims 1, 12, 23, 36, 43, 44 and 50, however, the Cochran patent does not disclose that the areas of interest are alternative hotels/resorts or otherwise correspond to alternative itineraries as recited by the claimed invention of the present application. It merely discloses the display of areas of interest such as an airport, tourist attraction or business, and not other hotels/resorts. Moreover, even if the Cochran patent did disclose that the areas of interest are alternative hotels/resorts, as the Cochran patent is drawn to a system and method of displaying search terms, Applicants question whether the Cochran system could even be considered analogous art to, and thus combinable with, the systems and methods of the Ahlstrom or Webber patents. *See* MPEP § 2141.01(a) (explaining that “to rely on a reference under 35 U.S.C. 103, it must be analogous prior art”).

Further, none of the Ahlstrom, Webber and Cochran patents, individually or in combination, teach or suggest identifying at least one alternative itinerary that includes an alternative origin or destination that is different from those received in a request reflecting a travel itinerary, as also recited by independent Claims 1, 12, 23, 36, 43, 44 and 50. In the final Official Action of this request for continued examination (RCE), the Examiner submitted that the Webber patent discloses this feature. More particularly, the Examiner alleged that the Webber patent discloses that a travel arranger requests a flight from New York City (NYC) airport to Los Angeles International Airport (LAX). In response to this request, the Examiner explained that the travel arranger receives a result including six flights, including departure from two alternate airports, JFK and EWR, different from the origin location requested by the arranger.

As explained above, however, the Webber patent discloses a trip planner system that, in one exemplar embodiment, processes a trip request to provide flights between NYC and LAX, where the NYC designation includes any airport within New York City and is given as including JFK and EWR. As disclosed by the Webber patent, and as well known to those skilled in the art,

NYC is a city code that, in the airline industry, identifies JFK and EWR, as well as La Guardia airport (LGA). As disclosed, then, the system and method of the Webber patent do not identify an alternative itinerary that includes an alternative origin or destination that is different from those received in a request reflecting a travel itinerary, as recited by the claimed invention, but merely identify airports by a given airport or city code.

Moreover, Applicants respectfully submit that, by designating a flight search from NYC, the flight arranger of the Webber system is requesting flights departing from airports within New York City, and not, as alleged by the final Official Action, a flight from "New York City (NYC) airport." To the extent that the final Official Action is suggesting that the flight arranger is requesting to fly from "New York City airport," Applicants respectfully submit that no such airport exists. Instead, airports within the New York City vicinity include JFK, EWR and LGA. By designating a flight search from NYC, then, the arranger is specifically requesting flights from JFK, EWR and LGA. The arranger receiving flights from those three airports, then, constitutes receiving flights from origins specifically requested, and not, as in the claimed invention, from alternative origin or destination locations.

As shown, then, none of the Ahlstrom patent, the Webber patent or the Cochran patent, individually or in combination, teach or suggest identifying an alternative itinerary that includes an alternative origination or destination location within proximity tolerances included in a request reflecting a travel itinerary, as recited by independent Claims 1, 12, 23, 36, 43, 44 and 50. Applicants therefore respectfully submit that independent Claims 1, 12, 23, 36, 43, 44 and 50, and by dependency Claims 2, 13, 24, 35, 45 and 48, are patentably distinct from the systems and methods of the Ahlstrom, Webber and Cochran patents, taken individually or in combination.

II. Claims 4-8, 15-19, 26-30, 32, 46, 47 and 51 are Patentably Distinct from Ahlstrom, Webber and DeLorme, taken Individually or in Combination

Pending Claims 4-8, 15-19, 26-30, 32, 46, 47 and 51 stand rejected as being unpatentable over the Ahlstrom patent in view of the Webber patent, and further in view of the DeLorme patent. As described above, independent Claims 1, 12, 23, 44 and 50 are patentably distinct from

the Ahlstrom and Webber patents, taken individually or in combination. As dependent Claims 4-8, 15-19, 26-30, 46 and 47 depend, directly or indirectly, from independent Claims 1, 12, 23, 44 and 50, respectively, dependent Claims 4-8, 15-19, 26-30, 46, 47 and 51 include all the limitations of a respective independent claim. Therefore, dependent Claims 4-8, 15-19, 26-30, 46, 47 and 51 are patentably distinct from the Ahlstrom and Webber patents for at least the reasons given above with respect to independent Claims 1, 12, 23, 44 and 50. As described below, the combination of the Ahlstrom and Webber patents with the DeLorme patent does not remedy the shortcomings of the Ahlstrom and Webber patents, and still fails to teach or suggest the claimed invention.

Like the Ahlstrom patent, the DeLorme patent provides for altering routes between an origination and a destination location. Also like the Ahlstrom patent, however, the DeLorme patent does not teach or suggest identifying at least one alternative itinerary that includes an alternative origin or destination that is different from those received in a request reflecting a travel itinerary, as recited by independent Claims 1, 12, 44 and 50, and by dependency Claims 4-8, 15-19, 26-30, 46, 47 and 51. In this regard, the DeLorme patent provides for receiving the origination and destination location, and determining a route between the origination and destination location where the route is defined by a series of waypoints. During optimization of the travel itinerary, the DeLorme patent provides for modifying the waypoints, but does not provide for modifying either the origination or destination locations, as recited by the claimed invention. Thus, the DeLorme patent likewise does not teach or suggest identifying an alternative origination or destination location within proximity tolerances, as further recited by independent Claims 1, 12, 23, 36, 43, 44 and 50, and by dependency Claims 4-8, 15-19, 26-30, 46, 47 and 51.

Applicants further respectfully submit that independent Claims 10 and 32 are patentably distinct from the Ahlstrom, Webber and DeLorme patents, taken individually or in combination. Applicants note that the final Official Action rejects independent Claim 10 as being unpatentable over the Cochran patent. However, the final Official Action erroneously suggests that independent Claim 10 was amended to recite the proximity tolerance feature of independent Claims 1, 12, 23, 36, 43, 44 and 50. Applicants respectfully submit, however, that independent

Claim 10 does not include this feature, but instead recites the travel packages feature similarly recited in independent Claim 32. Thus, Applicants will explain independent Claim 10 in conjunction with independent Claim 32.

Independent Claims 10 and 32 of the present invention provide a method and computer system, respectively, for providing information regarding savings associated with travel alternatives. Like independent Claims 1, 12, 23, 36, 43, 44 and 50, independent Claims 10 and 32 recite receiving or providing a request reflecting a travel itinerary, the request including an origination location and a destination location. The travel itinerary is then analyzed to determine a set of alternative itineraries, where analyzing the travel itinerary includes identifying at least one alternative itinerary including an alternate originating location or destination. Independent Claims 10 and 32 further recite that analyzing the travel itinerary includes locating any predetermined travel packages that include travel for the travel itinerary reflected in the request and any predetermined travel packages that include travel for the alternative itinerar(ies), where the travel packages are pre-configured packages based upon prior negotiations with providers of travel services.

As explained in response to the first Official Action and above with respect to the Webber patent, none of the Ahlstrom, Webber and DeLorme patents, taken individually or in combination, teach or suggest identifying an alternative itinerary that includes an alternative origin or destination that is different from those received in a request reflecting a travel itinerary, as recited by independent Claims 10 and 32. Further, none of the Ahlstrom, Webber and DeLorme patents, individually or in combination, teach or suggest locating any predetermined travel packages that include travel for the travel itinerary reflected in the request and any predetermined travel packages that include travel for the alternative itinerar(ies), as further recited by independent Claims 10 and 32.

Applicants again note that the Examiner alleged that the DeLorme patent, at column 12, lines 48-67, teaches travel packages pre-configured based upon prior negotiations with providers of travel services. In this regard, the Examiner notes that the DeLorme patent discloses that hotel chains, state tourism bureaus, and local chambers of commerce could publish travel package embodiments for planning trips, printing maps, discount offers, trip directions and other such

information about a limited range of attractions, events or seasonal activities. Properly interpreted, however, the DeLorme patent discloses that third-party providers such as hotel chains, state tourism bureaus, or local chambers of commerce could publish the Travel Reservation and Information Planning System (TRIPS) wholly on removable electronic media such as CD-ROMs. Then, for the third-party providers, the CD-ROMs could function as electronic travel brochures for planning trips, printing maps, discount offers, trip directions and other information. Nowhere, however, does the DeLorme patent disclose travel packages pre-configured based upon prior negotiations with providers of travel services.

Again, interpreting the Examiner's statements, the Examiner appears to suggest that electronic media such as CD-ROMs can be considered travel packages. According to Section 2111 of the MPEP, however, "[t]he broadest reasonable interpretation of the claims must [] be consistent with the interpretation that those skilled in the art would reach" (*citing In re Cortright*, 165 F.3d 1353, 1359 (Fed. Cir. 1999)). In this regard, Applicants respectfully submit that in no reasonable interpretation consistent with the interpretation of those skilled in the art could the electronic media disclosed by the DeLorme patent be interpreted as pre-configured travel packages.

Applicants respectfully submit, then, that the claimed invention of independent Claims 1, 12, 23, 36, 43, 44 and 50, as well as independent Claims 10 and 32, and by dependency Claims 4-8, 15-19, 26-30, 46, 47 and 51, is patentably distinct from the Ahlstrom, Webber and DeLorme patents, taken individually or in combination.

III. Claims 10, 21 and 49 are Patentably Distinct from Ahlstrom, DeLorme and Cochran, Taken Individually or in Combination

Pending Claims 10, 21 and 49 stand rejected as being unpatentable over the Ahlstrom, DeLorme and Cochran patents. As explained above, however, neither the Ahlstrom patent nor the DeLorme patent, individually or in combination, teach or suggest the pre-configured packages feature of independent Claim 10. And as the Cochran patent likewise does not teach or suggest this feature, Applicants respectfully submit that the claimed invention of independent Claim 10 is patentably distinct from the Ahlstrom, DeLorme and Cochran patents, taken

individually or in combination. Applicants again note, however, that the Examiner erroneously suggested that independent Claim 10 recites the proximity tolerance feature of independent Claims 1, 12, 23, 36, 43, 44 and 50, which the Examiner alleged is disclosed by the Cochran patent. Instead, independent Claim 10 recites the travel packages feature similarly recited in independent Claim 32, as explained above.

Independent Claim 21 of the present invention provides computer-readable medium for providing information regarding savings associated with travel alternatives. And independent Claim 49 recites a method for providing travel alternatives. Like independent Claims 1, 12, 23, 32, 36, 43, 44 and 50, independent Claims 21 and 49 recite receiving or providing a request reflecting a travel itinerary, the request including an origination location and a destination location. The travel itinerary is then analyzed to determine a set of alternative itineraries, where analyzing the travel itinerary includes identifying at least one alternative itinerary including an alternate originating location or destination. Also like independent Claims 1, 12, 23, 36, 43, 44 and 50, independent Claims 21 and 49 recite that the request includes proximity tolerances specifying a user's acceptable range for alternative itineraries, and recite that the alternative itinerary(ies) include an alternative origination or destination location within the proximity tolerances.

As described above with respect to independent Claims 1, 12, 23, 36, 43, 44 and 50, none of the Ahlstrom patent, the Webber patent or the Cochran patent teaches or suggests identifying an alternative itinerary that includes an alternative origination or destination location within proximity tolerances, and different from those received in a request reflecting a travel itinerary, as also recited by independent Claims 21 and 49. As described above with respect to dependent Claims 4-8, 15-19, 26-30, 46, 47 and 51, the DeLorme patent likewise does not teach or suggest identifying at least one alternative itinerary that includes an alternative origin or destination that is different from those received in a request reflecting a travel itinerary, as also recited by independent Claims 21 and 49. Applicants respectfully submit, then, that independent Claims 21 and 49, like dependent Claims 4-8, 15-19, 26-30, 32, 46, 47 and 51, are patentably distinct from the Ahlstrom, Webber and Cochran patents, taken individually or in combination, for at least the same reasons given above.

Applicants respectfully submit, then, that the claimed invention of independent Claims 1, 12, 23, 36, 43, 44 and 50, and independent Claims 10, 21 and 49, is patentably distinct from the systems and methods of the Ahlstrom, Webber, Cochran and DeLorme patent, taken individually or in combination. Applicants therefore respectfully submit that the claimed invention of independent Claims 1, 10, 12, 21, 23, 32, 36, 43, 44, 49 and 50, and by dependency Claims 4-8, 15-19, 26-30, 32, 46, 47 and 51, is patentably distinct from the system and method of all of the Ahlstrom patent, Webber patent, Cochran patent and DeLorme patent, taken individually or in combination.

IV. Claims 11, 22, 33, 34 and 37-42 are Patentably Distinct From the Ahlstrom Patent, the DeLorme Patent and the Walker Patent, Taken Individually or in Combination

As also indicated above, the pending Claims 11, 22, 33, 34 and 37-42 stand rejected as being unpatentable over the Ahlstrom patent in view of the DeLorme patent, and further in view of the Walker patent. As described above, the Ahlstrom patent discloses a computer reservation system that receives a proposed travel itinerary including a starting location, a final location and any desired intermediate stops. As also described above, the DeLorme patent discloses a travel reservation information and planning system and method.

As previously explained, the Walker patent (otherwise known as the Priceline.com patent) discloses a method and apparatus for the sale of airline-specified flight tickets. The Walker patent discloses an unspecified-time airline ticket that represents a purchased seat on a flight to be subsequently selected for a traveler-specified itinerary. As disclosed, then, various systems and methods are provided for matching the unspecified-time ticket with a flight. In one disclosed embodiment, a traveler could submit a bid to an airline for an unspecified-time ticket, where the bid specifies an amount (e.g., \$375) the traveler is willing to pay for the ticket. Upon receipt of the bid, the airline can then decide whether to accept or reject the bid.

Independent Claims 11, 22, 33 and 34 recite a method, computer-readable medium and computer systems, respectively, for providing information regarding savings associated with travel alternatives. As recited, a travel itinerary is received or provided that includes an

origination location and a destination location. The travel itinerary is then analyzed to determine a set of alternative itineraries, and thereafter values regarding the travel itinerary specified in the request and the alternative itineraries can then be determined, e.g., the prices of the respective itineraries are determined. At least one price-to-beat request can then be sent to a plurality of service providers (or, as recited in independent Claims 33 and 34, a trader interface or supplier interface, respectively, can receive price-to-beat requests). For example, the price of the least expensive itinerary may fix the price of the price-to-beat request. Then, a response from the service providers may include information on a service provider itinerary and a value, e.g., price, of the service provider itinerary, where the service provider itineraries may be the same, or comparable, to the itinerary specified in the request or one of the alternative itineraries. The values of the itinerary specified in the request and the alternative itineraries can then be reconfigured based upon the responses, and thereafter a report can be generated including the reconfigured values.

As explained in response to the first Official Action, in contrast to the method, computer-readable medium and computer systems of independent Claims 11, 22, 33 and 34, neither the Ahlstrom patent, the DeLorme patent nor the Walker patent teach or suggest, individually or in combination, a system or method including analyzing a travel itinerary to determine a set of alternative itineraries, determining values for the travel itinerary and the alternative itineraries, sending at least one price-to-beat request (where the price-to-beat request may include the values of the travel itinerary and the alternative itineraries) and receiving responses including a service provider travel itinerary that may be the same, or comparable, to the travel itinerary or an alternative itinerary, as recited in independent Claims 11, 22, 33 and 34. Further, none of the Ahlstrom patent, the DeLorme patent or the Walker patent teach or suggest, individually or in combination, reconfiguring the values of the travel itinerary and the alternative itineraries based upon the responses from the service providers, as also recited in independent Claims 11, 22, 33 and 34.

The Walker patent does disclose a system for purchasing an unspecified-time ticket that allows a user to bid for a price from a specified airline. The Walker patent does not teach or suggest, however, determining values for a requested itinerary and alternative itineraries and

sending the price-to-beat request based upon the values. Also, the Walker patent does not teach or suggest receiving responses from the service providers including a service provider itinerary and an associated value, where the service provider itinerary may be the same, or comparable, to the requested itinerary or an alternative itinerary. Instead, the Walker patent discloses a bidding system where a traveler submits to an airline a specific itinerary and a specific price the traveler is willing to pay for an unspecified-time ticket for the specific itinerary. Nowhere, however, does the Walker patent disclose how the traveler determines the price the traveler is willing to pay for the ticket. In this regard, the Walker patent does not teach or suggest that the traveler determines the price the traveler is willing to pay for the ticket based upon a value associated with a requested itinerary and values associated with alternative itineraries, as recited by the claimed invention.

Also, as clearly stated by the Walker patent, the traveler submits a price to an airline for a specific itinerary, and the airline responds whether to accept or reject the bid based on inventory and pricing guidelines. In this regard, the Walker patent does not teach or suggest receiving, from service providers, service provider itineraries that may be the same, or comparable, to the requested itinerary or an alternative itinerary, as recited in independent Claims 11, 22, 33 and 34. The Walker patent clearly discloses that a specific itinerary for a specific price is either accepted or rejected by the airline, and not modified by the airline either in price (service provider price) or itinerary (service provider itinerary).

Notwithstanding the above, Applicants also again respectfully submit that even if the bidding feature of the Walker patent could be reasonably interpreted as the price-to-beat feature of the claimed invention, the Ahlstrom, DeLorme and Walker patents cannot properly be combined to teach or suggest the claimed invention of independent Claims 11, 22, 33 and 34. In this regard, Applicants respectfully submit that the combination proffered by the Official Action is inconsistent § 2143.01 of the MPEP, which states that a proposed modification of the prior art cannot render the prior art unsatisfactory for its intended purpose. In this regard, in spite of the final Official Action's assertions, Applicants again respectfully submit that changing the system in the Walker patent from a user/buyer price driven system to a supplier price driven system for purposes of the rejection is inconsistent with the MPEP. Specifically, Applicants note that there

is a fundamental difference between the purpose of the claimed invention and that of the Walker patent. In particular, the claimed invention relates to supplier driven pricing where the user/buyer inputs a request for the item and the system provides either a lowest price or lowest prices offered by suppliers, while the Walker patent is directed to user/buyer driven pricing where the user/buyer sets the price. The combination proposed by the Official Action would essentially alter the system of the Walker patent to a supplier driven pricing model, which would be completely opposite of the fundamental purpose of the system of the Walker patent.

Applicants note the Examiner's explanation of section 2143.01 of the MPEP stating that "[a]lthough statements limiting the function or capacity of the prior art device require fair consideration, simplicity of the prior art is rarely a characteristic that weighs against obviousness of a more complicated device with added function." Applicants respectfully submit, however, that even given this explanation of obviousness, Applicants have not suggested that steps or elements are improperly added to the Walker system to teach or suggest the features of the claimed invention. Instead, and in contrast to the quoted explanation in the MPEP, Applicants respectfully submit that to teach or suggest the features of the claimed invention for which the Walker patent is cited, the system of the Walker patent itself would have to be significantly altered from a user/buyer price driven system where the buyer sets the price, to a supplier price driven system where the user/buyer is allowed to search for a price (e.g., the lowest price) offered by a supplier. But as previously explained, such an alteration would make the system of the Walker patent inoperable for its intended purpose as the entire business model and business operation would be upended. For example, in this alteration, the user/buyer no longer makes, and supplier no longer receives, a guaranteed purchase offer or bid. For this reason, Applicants respectfully submit that all of the claims of the present application are patentable over the cited references.

Even if the references were combined, however, Applicants respectfully submit that neither the Ahlstrom patent, the DeLorme patent nor the Walker patent, individually or in combination, teach or suggest the claimed invention of independent Claims 11, 22, 33 and 34, by dependency Claims 37-42.

8. *Claims Appendix.*

The claims currently on appeal are as follows:

1. (Previously Presented) A method for providing information regarding savings associated with travel alternatives comprising the steps, performed by a processor, of:

receiving a request from a user reflecting a travel itinerary, wherein the request includes information identifying a selected originating location, a selected destination location, and proximity tolerances specifying a user's acceptable distance range of at least one of an alternative originating location or alternative destination location for searching for alternative itineraries;

analyzing the travel itinerary to determine a set of alternative itineraries comparable to the travel itinerary specified in the request based on selected rules associated with travel, wherein the analyzing step includes identifying at least one alternative itinerary including an alternate originating location or destination that is within the proximity tolerances and different than the originating location or destination included in the request;

determining a value for the travel itinerary specified in the request;

determining a value for each of the alternative itineraries; and

generating a report, based on the analysis and determination, including a value for each alternative itinerary reflecting a savings in travel costs in comparison with the travel itinerary reflected by the request.

2. (Previously Presented) The method of claim 1, wherein the report includes the travel itinerary specified in the request, each of the alternative itineraries, the value for each travel itinerary, and the savings in travel costs is based on a difference between the value for the travel itinerary specified in the request and each of the alternative itineraries.

3. (Cancelled)

4. (Previously Presented) The method of claim 1, wherein the analyzing step includes locating any alternate lodging that is within the proximity tolerances.

5. (Previously Presented) The method of claim 1, wherein the receiving step includes assigning geographical coordinates for each of the originating location and the destination.

6. (Original) The method of claim 5, wherein the analyzing step includes generating a set of locations with coordinates located within a predetermined range of the destination based on information from a geographical coordinates database.

7. (Original) The method of claim 6, wherein the step of generating a set of locations includes reducing the range when a number of locations in the set exceeds a predetermined number.

8. (Original) The method of claim 6, wherein the step of generating a set of locations includes increasing the range when a number of locations in the set is smaller than a predetermined number.

9. (Cancelled)

10. (Previously Presented) A method for providing information regarding savings associated with travel alternatives comprising the steps, performed by a processor, of:
receiving a request from a user reflecting a travel itinerary;
analyzing the travel itinerary to determine a set of alternative itineraries comparable to the travel itinerary specified in the request based upon selected rules associated with travel;
determining a value for the travel itinerary specified in the request;
determining a value for each of the alternative itineraries; and
generating a report reflecting the analysis and determinations,

wherein the request includes the name of an originating location and a destination, wherein the analyzing step includes identifying at least one alternative itinerary including an alternate originating location or destination that is different than the originating location or destination included in the request, and wherein the analyzing step includes locating any predetermined travel packages that include travel for the travel itinerary reflected in the request, and any predetermined travel packages that includes travel for the at least one alternative itinerary, and wherein the travel packages are pre-configured packages based upon prior negotiations with providers of travel services.

11. (Previously Presented) A method for providing information regarding savings associated with travel alternatives comprising the steps, performed by a processor, of:

receiving a request from a user reflecting a travel itinerary;

analyzing the travel itinerary to determine a set of alternative itineraries comparable to the travel itinerary specified in the request based on selected rules associated with travel;

determining a value for the travel itinerary specified in the request;

determining a value for each of the alternative itineraries;

generating a report reflecting the analysis and determinations;

sending at least one price-to-beat request to a plurality of service providers reflecting information on the travel itinerary with a value associated with the determined value for the travel itinerary specified in the request and the determined value for each of the alternative itineraries;

receiving a response from each of the service providers with information on a service provider travel itinerary and a value of the service provider travel itinerary, wherein the travel itinerary from each of the service providers may be the same or comparable, according to each respective service provider, to the user's travel itinerary or one of the alternative itineraries;

reconfiguring the value of the travel itinerary specified in the request and the values for each of the alternative itineraries based on the responses from each of the service providers; and

providing a report based on the analysis, determination and reconfiguration including an indication of the reconfigured values of the travel itinerary and the alternative itineraries.

12. (Previously Presented) A computer-readable medium containing instructions for causing a computer to perform a method for providing information regarding savings associated with travel alternatives the method comprising the steps of:

receiving a request from a user reflecting a travel itinerary, wherein the request includes information identifying a selected originating location, a selected destination location, and proximity tolerances specifying a user's acceptable distance range of at least one of an alternative originating location or alternative destination location for searching for alternative itineraries;

analyzing the travel itinerary to determine a set of alternative itineraries comparable to the travel itinerary specified in the request based on selected rules associated with travel, wherein the analyzing step includes identifying at least one alternative itinerary including an alternate originating location or destination that is within the proximity tolerances and different than the originating location or destination included in the request;

determining a value for the travel itinerary specified in the request; determining a value for each of the alternative itineraries; and generating a report, based on the analysis and determination, including a value for each alternative itinerary reflecting a savings in travel costs in comparison with the travel itinerary reflected by the request.

13. (Previously Presented) The computer-readable medium of claim 12, wherein the report includes the travel itinerary specified in the request, each of the alternative itineraries, the value for each travel itinerary, and the savings in travel costs is based on a difference between the value for the travel itinerary reflected by the request and each of the alternative itineraries.

14. (Cancelled)

15. (Previously Presented) The computer-readable medium of claim 12, wherein the analyzing step includes locating any alternate lodging that is within the proximity tolerances.

16. (Previously Presented) The computer-readable medium of claim 12, wherein the receiving step includes assigning geographical coordinates for each of the originating location and the destination.

17. (Original) The computer-readable medium of claim 16, wherein the analyzing step includes generating a set of locations with coordinates located within a predetermined range of the destination based on information from a geographical coordinates database.

18. (Original) The computer-readable medium of claim 17, wherein the step of generating a set of locations includes reducing the range when a number of locations in the set exceeds a predetermined number.

19. (Original) The computer-readable medium of claim 17, wherein the step of generating a set of locations includes increasing the range when a number of locations in the set is smaller than a predetermined number.

20. (Cancelled)

21. (Previously Presented) A computer-readable medium containing instructions for causing a computer to perform a method for providing information regarding savings associated with travel alternatives, the method comprising the steps of:

receiving a request from the user reflecting a travel itinerary, wherein the request includes information identifying a selected originating location, a destination location, and proximity tolerances specifying a user's acceptable distance range of at least one of an alternative originating location or alternative destination location for searching for alternative itineraries;

analyzing the travel itinerary to determine a set of alternative itineraries comparable to the travel itinerary specified in the request based on selected rules associated with travel, wherein the analyzing step includes identifying at least one alternative itinerary including an alternate

originating location or destination that is within the proximity tolerances and different than the originating location or destination included in the request; and

determining a value for the travel itinerary specified in the request; determining a value for each of the alternative itineraries; and generating a report reflecting the analysis and determinations.

22. (Previously Presented) A computer-readable medium containing instructions for causing a computer to perform a method for providing information regarding savings associated with travel alternatives, the method comprising the steps of:

receiving a request from the user reflecting a travel itinerary;

analyzing the travel itinerary to determine a set of alternative itineraries comparable to the travel itinerary specified in the request based on selected rules associated with travel;

determining a value for the travel itinerary specified in the request;

determining a value for each of the alternative itineraries;

sending at least one price-to-beat request to a plurality of service providers reflecting information on the travel itinerary with a value associated with the determined value for the travel itinerary specified in the request and the determined value for each of the alternative itineraries;

receiving a response from each of the service providers with information on a service provider travel itinerary and a value of the service provider travel itinerary, wherein the travel itinerary from each of the service providers may be the same or comparable, according to each respective service provider, to the user's travel itinerary or one of the alternative itineraries;

reconfiguring the values of the travel itinerary specified in the request and the values for each of the alternative itineraries based on the responses from each of the service providers; and

providing a report including an indication of the reconfigured values of the travel itinerary and the alternative itineraries.

23. (Previously Presented) A computer system for providing information regarding savings associated with travel alternatives comprising:

a buyer interface for producing a request from a user reflecting a travel itinerary, wherein the request includes information identifying a selected originating location, a destination location, and proximity tolerances specifying a user's acceptable distance range of at least one of an alternative originating location or alternative destination location for searching for alternative itineraries; and

a server for analyzing the travel itinerary to determine a set of alternative itineraries comparable to the travel itinerary specified in the request based on selected rules associated with travel, for determining a value for the travel itinerary specified in the request, for determining a value for each of the alternative itineraries, and for generating a report, based on the analysis and determination, including a value for each alternative itinerary reflecting a savings in travel costs in comparison with the travel itinerary reflected by the request,

wherein analyzing the travel itinerary includes identifying at least one alternative itinerary including an alternate originating location or destination that is within the proximity tolerances and different than the originating location or destination included in the request.

24. (Previously Presented) The computer system of claim 23, wherein the report includes the travel itinerary specified in the request, each of the alternative itineraries, the value for each travel itinerary, and the savings in travel costs is based on a difference between the value for the travel itinerary specified in the request and each of the alternative itineraries.

25. (Cancelled)

26. (Previously Presented) The computer system of claim 23, wherein analyzing the travel itinerary includes locating any alternate lodging that is within the proximity tolerances.

27. (Previously Presented) The computer system of claim 23, wherein the buyer interface assigns geographical coordinates for each of the originating location and the destination.

28. (Previously Presented) The computer system of claim 27, wherein analyzing the travel itinerary includes generating a set of locations with coordinates located within a predetermined range of the destination based on information from a geographical coordinates database.

29. (Previously Presented) The computer system of claim 28, wherein generating a set of locations includes reducing the range when a number of locations in the set exceeds a predetermined number.

30. (Previously Presented) The computer system of claim 28, wherein generating a set of locations includes increasing the range when a number of locations in the set is smaller than a predetermined number.

31. (Cancelled)

32. (Previously Presented) A computer system for providing information regarding savings associated with travel alternatives comprising:

a buyer interface for producing a request from a user reflecting a travel itinerary; and

a server for analyzing the travel itinerary to determine a set of alternative itineraries comparable to the travel itinerary specified in the request based on selected rules associated with travel, for determining a value for the travel itinerary specified in the request, for determining a value for each of the alternative itineraries, and for generating a report reflecting the analysis and determinations,

wherein the request includes the name of an originating location and a destination, wherein the analyzing step includes identifying at least one alternative itinerary including an alternate originating location or destination that is different than the originating location or destination included in the request, and wherein analyzing the travel itinerary includes locating any predetermined travel packages that include travel for the travel itinerary reflected in the request, and any predetermined travel packages that include travel for the at least one alternative

itinerary, and wherein the travel packages are pre-configured packages based on prior negotiations with providers of travel resources.

33. (Previously Presented) A computer system for providing information regarding savings associated with travel alternatives comprising:

a buyer interface for producing a request from a user reflecting a travel itinerary;

a server for analyzing the travel itinerary to determine a set of alternative itineraries comparable to the travel itinerary specified in the request based on selected rules associated with travel, for determining a value for the travel itinerary specified in the request and for determining a value for each of the alternative itineraries; and

a trader interface for receiving price-to-beat requests from the server and for providing a response from a trader with information on a trader travel itinerary and a value of the trader travel itinerary, wherein the travel itinerary from the trader interface may be the same or comparable, according to the trader, to the user's travel itinerary or one of the alternative itineraries

wherein the server is configured to reconfigure the value of the travel itinerary specified in the request and the values for each of the alternative itineraries based on the response from the trader and generate a report including an indication of the reconfigured values of the travel itinerary and the alternative itineraries.

34. (Previously Presented) A computer system for providing information regarding savings associated with travel alternatives comprising:

a buyer interface for producing a request from a user reflecting a travel itinerary;

a server for analyzing the travel itinerary to determine a set of alternative itineraries comparable to the travel itinerary specified in the request based on selected rules associated with travel, for determining a value for the travel itinerary specified in the request and for determining a value for each of the alternative itineraries; and

a supplier interface for receiving price-to-beat requests from the server and for providing responses from a plurality of service providers with information on service provider travel

itineraries and respective values of the service provider travel itineraries, wherein each of the travel itineraries from the supplier interface may be the same or comparable, according to each of the plurality of service providers, to the user's travel itinerary or one of the alternative itineraries wherein the server is configured to reconfigure the value of the travel itinerary specified in the request and the values for each of the alternative itineraries based on the responses from the service providers and generate a report including an indication of the reconfigured values of the travel itinerary and the alternative itineraries.

35. (Previously Presented) The computer system of claim 23, including a supplier interface for receiving availability price requests from the server and for providing availability price responses from a plurality of service providers with information on service provider travel itineraries and respective values of the service provider travel itineraries, wherein each of the travel itineraries from the supplier interface may be the same or comparable, according to each of the plurality of service providers, to the user's travel itinerary or one of the alternative itineraries.

36. (Previously Presented) A computer system for providing information regarding savings associated with travel alternatives comprising:

an interface means for producing a request from a user reflecting a travel itinerary, wherein the request includes information identifying a selected originating location, a selected destination location and proximity tolerances specifying a user's acceptable distance range of at least one of an alternative originating location or alternative destination location for searching for alternative itineraries; and

a serving means for analyzing the travel itinerary to determine a set of alternative itineraries comparable to the travel itinerary specified in the request based on selected rules associated with travel, for determining a value for the travel itinerary specified in the request, for determining a value for each of the alternative itineraries, and for generating a report, based on the analysis and determination, including a value for each alternative itinerary reflecting a savings in travel costs in comparison with the travel itinerary reflected by the request,

wherein analyzing the travel itinerary includes identifying at least one alternative itinerary including an alternate originating location or destination that is within the proximity tolerances and different than the originating location or destination included in the request.

37. (Previously Presented) The method of claim 11, wherein the report includes the travel itinerary specified in the request, each of the alternative itineraries, and a difference between the reconfigured value for the travel itinerary specified in the request and each of the alternative itineraries.

38. (Previously Presented) The method of claim 11, wherein the report is produced geographically on a map, wherein the map includes the travel itinerary specified in the request, at least one of the alternative itineraries and the reconfigured value for each travel itinerary included in the map.

39. (Previously Presented) The computer-readable medium of claim 22, wherein the report includes the travel itinerary specified in the request, each of the alternative itineraries, and a difference between the reconfigured value for the travel itinerary specified in the request and each of the alternative itineraries.

40. (Previously Presented) The computer-readable medium of claim 22, wherein the report is produced geographically on a map, wherein the map includes the travel itinerary specified in the request, at least one of the alternative itineraries and the reconfigured value for each travel itinerary included in the map.

41. (Previously Presented) The computer system of claim 34, wherein the report includes the travel itinerary specified in the request, each of the alternative itineraries, and a difference between the reconfigured value for the travel itinerary specified in the request and each of the alternative itineraries.

42. (Previously Presented) The computer system of claim 34, wherein the report is produced geographically on a map, wherein the map includes the travel itinerary specified in the request, at least one of the alternative itineraries and the reconfigured value for each travel itinerary included in the map.

43. (Previously Presented) A method for providing information regarding savings associated travel alternatives comprising the steps, performed by a processor, of:

receiving a request from a user reflecting a travel itinerary, wherein the request includes information identifying a selected originating location, a selected destination location, and proximity tolerances specifying a user's acceptable distance range of at least one of an alternative originating location or alternative destination location for searching for alternative itineraries;

analyzing the travel itinerary to determine a set of alternative itineraries comparable to the travel itinerary specified in the request based on selected rules associated with travel, wherein the analyzing step further includes identifying at least one alternative itinerary including an alternate originating location or destination that is within the proximity tolerances and different than the originating location or destination included in the request;

determining a value for the travel itinerary specified in the request;

determining a value for each of the alternative itineraries; and

generating a report reflecting the analysis and determinations.

44. (Previously Presented) A method for providing travel alternatives, comprising: receiving, from a user, a request including a travel itinerary including a selected origination location, a selected destination location, a first value associated with the itinerary, and proximity tolerances specifying a user's acceptable distance range of at least one of an alternative originating location or alternative destination location for searching for alternative itineraries;

determining, without user intervention, a set of alternative itineraries, at least one alternate itinerary being associated with an alternative value and a route between an alternate

originating location or alternate destination location that is within the proximity tolerances, and either the origination or destination location included in the request; and

providing a report including a indication of the first value, the alternate value for each alternate itinerary, and a savings value for each alternate itinerary reflecting a difference between the first value and the respective alternate value.

45. (Previously Presented) The method of claim 44, wherein the first value reflects a cost of travel between the origination and destination locations.

46. (Previously Presented) The method of claim 45, wherein the first value further includes a cost of lodging.

47. (Previously Presented) The method of claim 44, wherein the set of alternate itineraries includes at least one alternate itinerary that is associated with a pre-configured travel package based on prior negotiations with at least one provider of travel resources.

48. (Previously Presented) The method of claim 44, wherein each alternate value is equal to or less than the first value.

49. (Previously Presented) A method for providing travel alternatives, comprising:
receiving, from a user, a request including a travel itinerary including a selected origination location, a selected destination location, a first value associated with the itinerary, and proximity tolerances specifying a user's acceptable distance range of at least one of an alternative originating location or alternative destination location for searching for alternative itineraries;

determining, without user intervention, a set of alternative itineraries, at least one alternative itinerary including a route between an alternate origination location or alternate destination location that is within the proximity tolerances, and either the origination or destination location included in the request;

determining an alternate value for each alternate itinerary; and
providing a report including a geographical map that contains:

a graphical representation of the origination location, destination location, and each alternate location,

a graphical representation of a first path between the origination and destination locations and a corresponding cost of travel for the first path, and

a graphical representation of an alternate path between each alternate location and either the origination or destination locations and a corresponding cost of travel for each respective alternate path.

50. (Previously Presented) A method for providing travel alternatives, comprising:
receiving, from a user, a request including a travel itinerary including a travel route between a selected origination location and a selected destination location, and proximity tolerances specifying a user's acceptable distance range of at least one of an alternative originating location or alternative destination location for searching for alternative itineraries;

determining, without user intervention, a set of alternative itineraries, at least one alternative itinerary including an alternate route between an alternate origination location or alternate destination location that is within the proximity tolerances, and either the origination or destination location included in the request; and

providing a report to the user such that the user may visually inspect a map including a graphical representation of the route between the origination and destination locations and the alternate routes, and a travel cost for each corresponding route.

51. (Previously Presented) The method of claim 50, wherein the travel cost for each route is presented adjacent to the graphical representation of the respective route on the map.

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CONCLUSION

For at least the foregoing reasons, Applicant respectfully requests that the rejections be reversed.

Respectfully submitted,

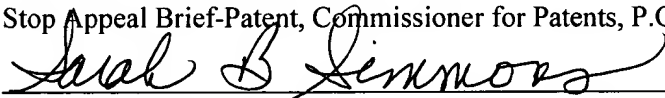


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